

Minutes
Bar Harbor Planning Board
January 20, 2010
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:00 p.m.

Members Present: Lynn Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, Member. Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner; Amanda Meader, Town Attorney.

II. ADOPTION OF THE AGENDA

Ms. Stevens-Rosa moved to adopt the agenda as written. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

III. APPROVAL OF MINUTES

January 6, 2009 Minutes

Mr. Jardine moved to approve the minutes from the January 6, 2010 meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

IV. REGULAR BUSINESS

A. Continuation of Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Salvatore and Mr. Moore, the applicant's representatives, reviewed several of the most notable changes that were recently made to the site plan and architectural design of the building. Mr. Moore stated that revised copies of all supporting studies and technical plans would be submitted to the record prior to the February 3, 2010 Board meeting. Mr. Moore also reviewed the changes to the proposed parking deck and reviewed the number of greenspace credits which the project is seeking.

Mr. Moore debated the 25' aisle width requirement for parking spaces located adjacent to the parking deck. He stated that he did not feel staff interpretation was completely accurate and noted that the maneuvering space required is available because the adjacent property is part of a parking lot. Ms. Meader stated that she felt it would be appropriate for the applicant to secure an easement from the Town to maneuver on Town property. She added that if the Town chose to develop this property the applicant might not be able to utilize the spaces next to the parking deck. She stated this could present a concern because if the applicant lost the use of these spaces, they would no longer meet their parking requirement.

Mr. Moore also contested staff interpretation of ADA requirements. Specifically, Mr. Moore took issue with staff's suggestion that the parking and queuing space should comply with ADA requirements. Mr. Moore stated that he did not feel the Land Use Ordinance allows the Planning Board to comment on ADA issues. Ms. Krieg stated that if it is a dimensional issue then the Board has purview.

Ms. Krieg stated that the deed covenants for the affordable housing units submitted by the applicant had not yet satisfied Section 125-69(R). She suggested the applicant coordinate with the Town Attorney. Ms. Meader clarified that she did not feel the applicant had reasonably complied with items 1 and 4 from the memo dated December 2, 2009.

The applicant provided a breakdown of the greenspace credits they have applied for. Mr. Jardine commented that he did not feel the greenspace adjacent to the parking deck is eligible for waiver because he did not feel the parking deck could be considered a building. Ms. Meader stated that a structure does not necessarily need a roof and enclosure to be considered a building. Ms. Williams stated that with the connection to the hotel, she is compelled to believe that the parking deck is a building even though it does not have a traditional roof.

Ms. Stevens-Rosa inquired about the stairway and elevator leading to the "penthouse." Mr. Salvatore clarified that the elevator is intended to provide access to a green roof and allow easier access for maintenance.

Mr. Jardine and Mr. Salvatore discussed the revised design of Lennox Place. Mr. Jardine asked how many cars can fit in the Lennox Place entry. Mr. Salvatore stated that he believes seven or eight cars might be able to queue in this area. Mr. Jardine stated that he felt the revised entry represented a positive change.

Mr. Jardine moved to continue the project to the February 3, 2009 Planning Board meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

B. Continuation of Public Hearing –SP-09-07 – AT&T Mobility Wireless Telecommunications Facility

Project Location: 286 State Highway 3, Tax Map 209 Lot 106

Applicant: AT&T mobility

Application: Construct a wireless telecommunications facility at 286 State Highway 3.

Mr. Hobbins, the applicant's attorney, stated that AT&T has agreed to construct a monopine instead of a monopole as previously presented. Mr. Hobbins submitted a revised site plan and a copy of the design plans for the monopine for the Board to review. He stated that the monopine design emulates the previously approved Verizon tower.

Ms. Stevens-Rosa stated that she was encouraged by the revision to the design of the tower. Mr. Jardine and Ms. Williams agreed.

Mr. McQuin, an abutting landowner, commended AT&T for the new design. He also requested that the fencing at the site be screened with some type of landscaping. Mr. Hobbins stated that he felt the applicant would be receptive to this request. Ms. Williams asked that the applicant submit a plan or written statement verifying the applicant would adhere to this landscaping request.

Ms. Stevens-Rosa moved to continue the project to the February 3, 2010 Planning Board meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

V. OTHER BUSINESS

A. June 2010 Land Use Ordinance amendments possible Planning Board action.

Mr. Krieg provided an overview of the Warrant process. She stated that the purpose of the Board's review of the Warrants for June Town Meeting was to ask the Planning Board if they would like to formally sponsor certain Warrants. She added that she will check in again with the Board at their February 3 meeting to present any changes made by the Council or the Town Attorney.

Ms. Williams suggested the Board vote on the technical Warrants first, and then hear the more policy oriented changes.

a. Downtown Village I, II, and Village Transitional Districts and Official Zoning Map Amendment.

Ms. Krieg gave an overview of the Warrant and the changes that would take effect if adopted. She stated that the Economic Development Task Force had worked extensively on this language. She noted that adoption of this language would eliminate parking requirements for most businesses in downtown and revise the height requirements.

Mr. Jardine stated that because the height and affordable housing language was not yet complete he did not feel comfortable sponsoring this language yet. Therefore the Board took no formal action on this language.

b. Commercial Agriculture

Ms. Krieg stated that the definitional change would allow agricultural businesses to utilize their property more efficiently. The Board discussed the implications of the proposed language.

Ms. Stevens-Rosa moved to sponsor the Commercial Agriculture Warrant. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

c. Certificate of Occupancy and Performance Guarantee Standards

Ms. Krieg provided an overview of the proposed language. She stated that the language comes as a staff request. She noted that the goal of the language was to place a requirement on applicants which would ensure the improvements

proposed are carried out. She noted that passage of this Warrant would require an applicant to provide a performance guarantee to cover the cost of any improvements that are left after the applicant receives a Certificate of Occupancy

Mr. Jardine moved to sponsor the Certificate of Occupancy and Performance Guarantee Standards Warrant. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

d. Planned Unit Development- Outlying Area

Ms. Krieg stated that passage of this Warrant would allow a transfer of development rights between parcels for properties which are contiguous.

Ms. Stevens-Rosa moved to sponsor the PUD-Outlying Area order. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

e. Town Hill Village District and District Map

Ms. Krieg provided an overview of the proposed Warrant.

Ms. Williams stated that she did not feel comfortable endorsing the Warrant given the substantial changes the Town Council had made with respect to the building footprint cap. The Planning Board took no action on this Warrant.

f. Village Historic District and Official Zoning Map Amendment

Mr. Madigan provided an overview of the proposed Warrant.

Mr. Losquardo, the owner of a Bed and Breakfast on West Street, requested the Planning Board consider removing the requirement that Bed and Breakfasts on West Street be limited to five rooms. He suggested that the dimensional controls better regulate the number of rooms inns would be allowed to have based on lot coverage and parking requirements. He stated that he did not believe increasing the number of rentable rooms would significantly impact the residential character of the West Street neighborhood.

The Board took no action on this Warrant.

g. Village Residential District and Official Zoning Map Amendment

Mr. Madigan provided an overview of the proposed Warrant.

Ms. Stevens Rosa moved that the Planning Board sponsor the Village Residential District and Official Zoning Map amendment. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

h. Shoreland Standards

Ms. Stevens-Rosa moved that the Planning Board sponsor the shoreland order. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

i. Historically and Locally significant property list

Mr. Jardine moved that the Planning Board sponsor the Historically and Locally Significant Properties List. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

j. Loading Zone Standards

Mr. Jardine moved that the Planning Board sponsor the loading zone Warrant as submitted. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

B. Endorsement of Recholtz Plat

The Board endorsed the Recholtz Plat.

C. Endorsement of Coopersmith Plat

The Board endorsed the Coopersmith Plat

V. PLANNING DIRECTOR'S REPORT

Ms. Krieg stated that she had nothing to report.

VI. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

VIII. ADJOURNMENT

Mr. Jardine moved to adjourn the meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion. The meeting was adjourned at 8:35 pm.

Minutes prepared by Staff Planner Brian Madigan, and reviewed by Secretary Jardine, for Planning Board Review at their February 3, 2010 meeting

Signed as approved:

Clyde L. Jardine, Jr., Secretary
Planning Board, Town of Bar Harbor

Date